

REMARKS

Applicant has studied the Office Action dated April 11, 2007. Claims 20, 27 and 30-32 have been amended. Claims 21 and 28 have been canceled without prejudice. New claims 33-49 have been added. No new matter has been added as the amendments and new claims have support in the specification as originally filed.

Claims 20, 22, 25-27 and 30-49 are pending. Claims 20 and 30-33 are independent claims.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 27 has been amended to correct dependency in view of canceled claim 21. It is respectfully submitted that the amendment is not related to patentability.

§ 102 Rejections

Claims 20, 21, 25-27 and 30-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi et al. ("Takahashi" U.S. Patent No. 6,483,983). Applicant respectfully disagrees with the Examiner's interpretation of Takahashi and traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claim 21 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 21 and it is respectfully requested that the rejection be withdrawn.

It is respectfully noted that independent claims 20 and 30-32 have been amended with this paper to recite menu management information that provides an index to menu data that includes one or more thumbnail pictures that correspond to playback units with each thumbnail stored as a block of menu data and further to recite reproducing at least one thumbnail picture in the menu data based on the menu management information. It is respectfully submitted that support for the amendments may be found in the specification as originally filed.

It is respectfully noted that Takahashi fails to disclose either menu management information that provides an index to menu data that includes one or more thumbnail pictures that correspond to playback units with each thumbnail stored as a block of menu data or reproducing at least one thumbnail picture in the menu data based on the menu management information. Therefore, it is respectfully asserted that independent claims 20 and 30-32 are allowable over the cited reference. It is further respectfully asserted that claims 25-27, which depend from claim 20, also are allowable over the cited reference.

§ 103 Rejections

Claims 22 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Chen et al. ("Chen" U.S. Pat. No. 5,917,830). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkart, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill

in the art.’ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.” (citations omitted.)

With this paper, claim 28 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 28 and it is respectfully requested that the rejection be withdrawn.

It is respectfully submitted that Chen fails to cure the deficiencies of Takahashi with respect to menu management information that provides an index to menu data that includes one or more thumbnail pictures that correspond to playback units with each thumbnail stored as a block of menu data and further to recite reproducing at least one thumbnail picture in the menu data based on the menu management information, as recited in independent claim 20. Therefore, it is respectfully asserted that independent claim 20 is allowable over the cited combination of references, as is claim 22, which depends from claim 20.

New Claims

With this paper, new claims 33-49 have been added. It is respectfully asserted that independent claim 33, which recites limitations similar to independent claims 20 and 30-32, is allowable for the same reasons given herein with regard to claims 20 and 30-32 and claims 34-49 are allowable via their dependence from an allowable independent claim.

CONCLUSION

In light of the above remarks, Applicant submits that the claims 20, 22, 25-27 and 30-49 of present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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